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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,367	03/26/2004	Kevin N. Quiring	60021-379801	2811
29838 7590 07/21/2008 OPPENHEIMER WOLFF & DONNELLY, LLP PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609				
EXAMINER				
PARKER, BRANDI P				
ART UNIT		PAPER NUMBER		
3623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,367

Applicant(s)

QUIRING ET AL.

Examiner

BRANDI P. PARKER

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/02)
Paper No(s)/Mail Date 10/27/2005, 09/27/2006, 07/07/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. Claims 1-24 are pending in this Office Action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-24 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. With respect to claims 1, 9 and 17, the claims recite a method for gathering and processing data without creating a tangible result. The tangible requirement does require that the claim must recite more than a 35 U.S.C. 101 judicial exception, in that the process claim must set forth a practical application of that judicial exception to produce a real-world result. *Gottschalk v. Benson*, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial practical application."), MPEP 2106 IV C 2 (2) (b).

Art Unit: 3623

5. Claims 2-8, 10-16 and 18-24 are rejected for being dependent upon reject claims 1, 9 and 17 respectively.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 8 recites the limitation the step of “leveraging insight” from analytical models depending from claim 7. Claim 8 is therefore rejected because there is insufficient antecedent basis for this limitation in claim 7.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-24 rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson et al (US 7016936 B2).
10. With respect to claims 1, 9 and 17, Wilkinson teaches
- a. interfacing with a plurality of communication channels (column/line 11/40-56);
 - b. receiving at least one request from at least one customer for a customer interaction over at least one of the plurality of communication channels (column/line 4/37-43);
 - c. identifying the at least one customer (column/line 4/46-50);
 - d. choosing at least one treatment for processing the customer interaction using a central processing engine that is consistent for the plurality of communication channels (column/line 5/53-55, regarding interactive motivational plans); and
 - e. processing the customer interaction based on the at least one treatment chosen (column/line 5/55-61, 12/20-29).

11. As to claims 2, 10 and 18, Wilkinson teaches the method from claim 1, wherein choosing the at least one treatment is a function of a customer segment, an interaction type and an interaction channel (column/line 6/15-23).

12. Regarding claims 3, 11 and 19, Wilkinson teaches the method from claim 1, further comprising:

f. inserting data correlating to the at least one treatment into a customer intelligence record (column/line 7/20-33); and

g. returning the customer intelligence record to one of the plurality communication channels for instructing the channel on the treatments to present to the customer (column/line 12/42-45).

13. With respect to claims 4, 12 and 20, Wilkinson teaches the method from claim 1, wherein the step of choosing at least one treatment accesses a central repository where treatments have been stored by an independent design tool (Figure 1, item 150, plan merging module) .

14. Regarding claims 5, 13 and 21. The method from claim 1, wherein the central processing engine processes grouped rules in a hierarchy (column/line 5/61-67).

15. As to claims 6, 14 and 22, Wilkinson teaches the method from claim 1, further comprising sending the at least one treatment to one of the plurality of communication channels via a plurality of services (column/line 11/40-56).

16. Regarding claims 7-8, 15-16 and 23-24, Wilkinson teaches the method from claim 7, wherein the step of leveraging insight from analytical models comprises:

h. extracting customer data for a plurality of customers from at least one database (column/line 11/59-67);

i. training analytical models to predict customer behavior, wherein the analytical models are trained using the customer data extracted from at least one database (column/line 6/66-7/2, 14/4-13);

j. gathering the customer interaction results (column/line 7/2-5); and

k. retraining the analytic models to refine the customer behavior prediction, wherein the analytical models are re-trained using the customer data extracted from at least one database as well as the customer interaction results (column/line 7/10-19; 14/15-25 regarding optimizing the customer behavior models) .

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nizzari et al (US 6014647, system for tracking customer interactions), Siefert (US 6047261, method and system for monitoring and enhancing the performance of the user interaction), Katz (US 6055513, method and system for obtaining commercial information through user interaction), Walter et al (US 6334110), Vincent (US 2002/0087385, system and method for suggesting interaction strategies) and Carr et al (US 20030220901, customer interaction manager), Beck et al (US 6230197, method and apparatus for rules based storage and retrieval of multimedia interactions).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623